

DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)



Order Filed on November 12, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Duro Dyne National Corp.

Case No.: 18-27963

Adv. No.:

Hearing Date: 11/7/2019

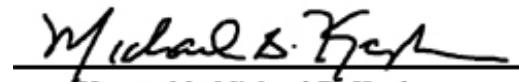
Judge: Michael B. Kaplan

ORDER GRANTING MOTION OF THE OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS AND FUTURE CLAIMANT'S REPRESENTATIVE FOR RELIEF FROM THE AUTOMATIC STAY FOR THE LIMITED PURPOSE OF PRESERVING TESTIMONY OF DYING CLAIMANTS

The relief set forth on the following page is hereby **ORDERED**.

.....

DATED: November 12, 2019



Honorable Michael B. Kaplan
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR
9004-1**

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In re:

DURO DYNE NATIONAL CORP., *et al.*¹

Debtors.

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Case No. 18-27963 MBK
(Jointly Administered)

Chapter 11

Hearing Date: Nov. 7, 2019, at 10:00 a.m.

**ORDER GRANTING MOTION OF THE OFFICIAL COMMITTEE OF ASBESTOS
CLAIMANTS AND FUTURE CLAIMANTS' REPRESENTATIVE FOR RELIEF FROM
THE AUTOMATIC STAY FOR THE LIMITED PURPOSE OF PRESERVING
TESTIMONY OF DYING CLAIMANTS**

The relief set forth on the following pages, numbered two (2) and three (3), is hereby ORDERED.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

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Debtors: Duro Dyne National Corp., *et al.*

Case No: 18-27963 (MBK)

Caption: Order Granting Motion of the Official Committee of Asbestos Claimants and Future Claimants' Representative for Relief from the Automatic Stay for the Limited Purpose of Preserving Testimony of Dying Claimants

This matter comes before the Court on the Official Committee of Asbestos Claimants' and FCR's Motion for Relief from the Automatic Stay for the Limited Purpose of Preserving Testimony of Dying Claimants ("Motion"). The Court having reviewed the Motion and any objection or responses thereto; and having determined that adequate and sufficient notice of the Motion has been given and no further notice is required; and having considered the arguments of counsel at the hearing held on November 7, 2019, and the entire record in this case; and having found and concluded that cause exists for granting the relief requested in the Motion,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED to the extent set forth herein.

2. Any party who wishes to perpetuate the testimony of a tort claimant who is subject to the automatic stay, but who faces significant risk of dying or becoming incapacitated and unable to testify before completion of the above-referenced chapter 11 cases, may prepare an application signed by counsel for the claimant identifying the claimant and briefly stating the reasons and circumstances of the application.

3. The application shall not exceed two (2) pages and shall be filed on the docket for these cases. The claimant need not retain local bankruptcy counsel for the purposes of filing the application. The Official Committee of Asbestos Claimants may, solely for administrative purposes, file the application for the claimant without representing the claimant individually.

4. Any objection to the application shall be filed within seven (7) days of the filing of the application.

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Debtors: Duro Dyne National Corp., *et al.*

Case No: 18-27963 (MBK)

Caption: Order Granting Motion of the Official Committee of Asbestos Claimants and Future
Claimants' Representative for Relief from the Automatic Stay for the Limited Purpose of
Preserving Testimony of Dying Claimants

5. If no timely objection to the application is filed, the application is granted pursuant to § 362(d) of the Bankruptcy Code at the expiration of the time to object without further order of the Court.

6. If a timely objection is filed, the objection shall be resolved by a telephonic conference with the Court. Such telephonic conference shall be held as soon as reasonably practicable. The resolution of the objection shall be noted on the docket by an Order or other entry.

7. The stay imposed by Bankruptcy Rule 4001(a)(3) is waived, and any modification of the stay pursuant to paragraphs 5 or 6 above shall take effect immediately.

8. All parties' rights and obligations with respect to any claims for defense costs, contribution, or otherwise are unaffected by this order and fully reserved.

9. This Court retains jurisdiction with respect to all matters arising from, or related to, the implementation, interpretation, and enforcement of this Order.

In re:
Duro Dyne National Corp.
Debtor

Case No. 18-27963-MBK
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

Date Rcvd: Nov 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 14, 2019.

db +Duro Dyne National Corp., 100 Horizon Center Boulevard, Hamilton, NJ 08691-1910

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 12, 2019 at the address(es) listed below:

Carolyn Lachman on behalf of Creditor Pension Benefit Guaranty Corp lachman.carolyn@pbgc.gov, efile@pbgc.gov
Christina Salem on behalf of Interested Party The North River Insurance Company christina.salem@kennedyscmk.com
Christina Salem on behalf of Interested Party Hartford Accident and Indemnity Company christina.salem@kennedyscmk.com
Daniel Keller on behalf of Interested Party Daniel Keller dkeller@kfjlegal.com
Daniel Stolz on behalf of Creditor Sheet Metal, Air, Rail & Transportation Workers International Association, AFL-CIO dstolz@wjslaw.com, dstolz@ecf.inforuptcy.com;msousa@wjslaw.com;btorres@ecf.inforuptcy.com
Daniel Wagner London, I on behalf of Interested Party MidStates Reinsurance Corporation dlondon@londonfischer.com
Denise E. Carlon on behalf of Loss Mitigation Shellpoint Mortgage Servicing dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Edwin J Harron on behalf of Attorney Young Conaway Stargatt & Taylor, LLP eharron@ycst.com, dlaskin@ycst.com
Edwin J Harron on behalf of Other Prof. Lawrence Fitzpatrick , dlaskin@ycst.com
Jeffrey A. Cooper on behalf of Creditor 4 Site, LLC jcooper@rltlawfirm.com, cooperatty@aol.com;rgaydos@rltlawfirm.com
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District/off: 0312-3

User: admin
Form ID: pdf903

Page 2 of 2
Total Noticed: 1

Date Rcvd: Nov 12, 2019

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Jeffrey D. Prol on behalf of Attorney Cort T. Malone jprol@lowenstein.com,
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Jeffrey D. Prol on behalf of Noticing Agent BMC Group, Inc. jprol@lowenstein.com,
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Scott S. Rever on behalf of Creditor Sheet Metal, Air, Rail & Transportation Workers
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TOTAL: 42